

## Rent Relief Order

Ordered by the Private Rented Housing Committee

Ref: PRHP/MLI/169/10

Re: Property at 34 Orchard Street, Motherwell, ML1 3JD ("the house")

Title No: LAN186050

The Parties:-

Hazel Matthews, 34 Orchard Street, Motherwell ("the Tenant")

Stefan Ehrendorfer, 67 Avon Street, Motherwell ("the Landlord")

**NOTICE TO Stefan Ehrendorfer, 67 Avon Street, Motherwell ("the Landlord")**

Whereas in terms of their decision dated 3rd June 2011, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 33% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the said Act.

**A landlord or a tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on the Third day of June Two Thousand and Eleven in the presence of Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

**M McCamley**

(Witness) 

**A McCamley**

*Chairman* 

**Determination by the Private Rented Housing Committee  
Rent Relief Order in terms of Section 26(2)(b) and Section 27  
of the Housing (Scotland) Act 2006**

**Ref: PRHP/MLI/169/10**

**Re: Property at 34 Orchard Street, Motherwell, ML1 3JD ("the house")**

**Title No: LAN186050**

**The Parties:-**

**Hazel Matthews, 34 Orchard Street, Motherwell ("the Tenant")**

**Stefan Ehrendorfer, 67 Avon Street, Motherwell ("the Landlord")**

**ref: PRHP/EH15/111/10**

**Decision**

The Committee, having made such enquiry as it sees fit determines that the Landlord has failed to comply with the terms of the Repairing Standard Enforcement Order dated 14th April 2011 and now serves Notice of said failure on North Lanarkshire Council in terms of Section 26 of the Act, and further the Committee makes a Rent Relief Order reducing the rent payable under the tenancy by 33% in terms of Section 27 of the Act.

**Statement**

1. On the 14th of April 2011 the property was inspected by Alan English, Surveyor member of the Committee following the expiry of the period for the completion of works required by the Repairing Standard Enforcement Order ordered by the Private Rented Housing Committee. His inspection revealed that very little work had been done to comply with the Repairing Standard Enforcement Order.
2. The report revealed that the bathroom door continues to stick, the porch door has not been attended to, some work has been done to the inner porch but the operation of the door remains unsatisfactory. The bedroom light does not function, a satisfactory smoke alarm has not been installed and no electrical safety certificate has been produced.

3. A copy of the report was sent to both parties and their comments sought.
4. The Tenant replied to say that she found the Landlord's delay to be unacceptable. The Landlord replied that he had had difficulty obtaining access to the property. The smoke alarm was the one on sale in B & Q. His electrician will not enter the property again until the Tenant removes.
5. The Committee considered the report from Mr. English, and the written evidence from both Tenant and Landlord.
6. The Committee finds that the Repairing Standard Enforcement Order has not been complied with. This failure is not justified by any fact relevant to anything in the 2006 Act.
7. The Committee will now serve a Notice on the Local Authority of that failure in terms of Section 26(2)(a) of the 2006 Act. The Committee makes a Rent Relief Order in terms of Section 26(2)(b) and Section 27 of the 2006 Act reducing the rent payable under the tenancy by 33% from the date set out in the Rent Relief Order.
8. The Landlord does not dispute that the Repairing Standard Enforcement Order has not been fully obtempered. The Landlord describes difficulties with access however these difficulties ought not to be overwhelming and the Landlord has statutory rights as regards access to his own property for the purposes of carrying out this work.
9. As regards the Rent Relief Order the Committee was quite satisfied given the length of time allowed for the repairs to be completed in the Repairing Standard Enforcement Order and the nature of the disrepair as recorded in the Committee's previous Determination that a Rent Relief Order should be made.

10. As for the amount, the Committee accepts the house is otherwise in a reasonable state of repair and provides acceptable accommodation for the Tenant and her family. Weighing up matters as best the Committee could, and utilising its specialist expertise and knowledge the Tribunal decided that a figure of 33% struck an appropriate and fair balance.
11. **A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**
12. Where such an appeal is made, the Rent Relief Order does not come into effect until **twenty-eight days** after the appeal is abandoned or finally determined. Sections 63 and 64 of the Housing (Scotland) Act 2006 apply. This does not affect the Committee's decision to notify the Local Authority in terms of Section 26(2)(b) of the 2006 Act which will be done forthwith.

**A McCamley**

Signed .....

Chairman

J

Date ..... 3/6/11 .....